

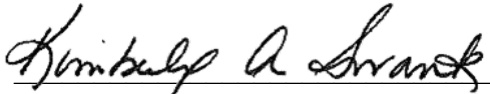
FMC Butner medical staff have since conducted a competency restoration study of Defendant and opine that he currently remains not competent to proceed, Defendant having refused psychotropic medication. Medical staff inform the court that Defendant does not currently pose a substantial risk of danger to himself or others, and medical staff therefore cannot forcibly medicate

him on dangerousness grounds. If, however, Defendant meets the criteria set forth in *Sell v. United States*, 539 U.S. 166 (2003), he may be forcibly medicated for purposes of restoring competency to stand trial.

The court hereby ORDERS the government to file, on or before October 26, 2018, a notice informing the court and defense counsel whether it intends to pursue forcible medication of Defendant pursuant to *Sell*.

Any delay that results from this order is excluded from Speedy Trial Act computation pursuant to 18 U.S.C. § 3161(h)(1)(A), as well as pursuant to 18 U.S.C. § 3161(h)(7)(A), the court finding that the interests of justice served by the additional time required to determine whether Defendant's competency can be restored outweigh the best interests of the public and the defendant in a speedy trial.

This 10th day of October 2018.

  
KIMBERLY A. SWANK  
United States Magistrate Judge